

### **REMARKS**

In the Office Action, the Examiner rejected claims 16-42. The Examiner also withdrew claims 1-15 from consideration. By this Response, Applicants amend claims 16, 28, 31, and 34 to further clarify the claimed subject matter. Upon entry of the amendments, claims 16-42 will remain pending in the present application. In view of the foregoing amendments and following remarks, Applicants respectfully assert that the pending claims are patentably distinct from the prior art and in condition for allowance. Accordingly, Applicants respectfully request reconsideration of the rejection and allowance of the pending claims.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 16-42 under 35 U.S.C. § 103(a) as unpatentable over Slattery et al. (U.S. Patent No. 6,514,085) in view of Ross et al. (U.S. Patent No. 6,608,628). Applicants respectfully traverse this rejection.

### ***Legal Precedent***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the references taught or suggested *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

***Claim Features Omitted from Claim 16***

Turning now to the instant claims, independent claim 16 recites features that are not present in the Slattery et al. and Ross et al. references. For instance, independent claim 16, as amended, recites “providing a collaborative computing environment ... comprising a first computing system operated by the trainee and a second computing system” and “controlling the first computing system *via the second computing system*” (emphasis added). Further, independent claim 16 also recites that this control is performed “in an operating system-independent manner.” Because these features are not disclosed in the Slattery et al. or Ross et al. references, these cited references cannot anticipate the presently claimed subject matter.

The Slattery et al. reference is generally directed to computer based training. Col. 1, lines 31-34. Notably, the Slattery et al. system includes a pod controller 24 for controlling a pod 26 that comprises one or more devices 40. Col. 3, lines 44-46; *see also* Figs. 1, 2, 3, 9, 10. The pod controller 24 includes a user communications module 304 that allows a user to connect to a device 40 via a user or student computer 28 or 1010, and a mentor communications module 306 that allows a mentor to monitor a student’s control of a device 40 (or independently control the device 40 for the student to monitor) during a learning exercise through equipment 906 or instructor terminal 1012. Col. 4, lines 10-21; *see also* col. 7, line 40 – col. 8, line 32. In other words, the student and mentor can *watch* each other *separately control* the device 40. *See id.* The Slattery et al. reference also discloses software that allows two users to collaborate (i.e., monitor separate control) over a network while interacting with a single program. Col. 7, lines 54-60. The pod controller 24 may include a wiretap 902 allowing a mentor to monitor the instructions the user is sending to a device 40 to ensure that the user is properly controlling the device. Col. 7, lines 40-54. Wiretap 902 can also permit the mentor to take control of the device 40 and allow the user to watch the instructions the mentor is sending to the device 40. Col. 7, line 65 – col. 8, line 5. It should be noted, however, that in the Slattery et al. system, the mentor and the user computers each

separately control a device 40 *through the pod controller*. The mentor computer *does not* control a device 40 *through the user computer*.

Conversely, independent claim 16 clearly recites that the first computing system operated by the trainee is controlled by a second computing system. While the Slattery et al. reference discloses collaboration between a user and a mentor, and that either the mentor or the user may alternately control a device 40 via pod controller 24, the cited reference does not teach that the mentor can somehow control the user computer. Further, because the Slattery et al. reference does not disclose “controlling the first computing system via the second computing system” as recited in independent claim 16, the reference also fails to disclose performing such control “in an operating system-independent manner.” The Slattery et al. reference, therefore, fails to disclose each and every element recited in independent claim 16. The Ross et al. reference fails to obviate the deficiencies of the Slattery et al. reference. Consequently, these references, whether taken alone or in combination, cannot support a *prima facie* case of obviousness. Accordingly, Applicants respectfully stress that independent claim 16 and its dependent claims are patentable over the Slattery et al. and Ross et al. references.

***Claim Features Omitted from Claim 28***

Similarly, independent claim 28, as amended, recites first and second remote computing environments and a medical diagnostic imaging system wherein “the second remote computing environment interacts with the medical diagnostic imaging system *via the first remote computing environment*” (emphasis added). As discussed above, the Slattery et al. reference teaches user and mentor computers that each *directly* control a device through pod controller 24. However, as also discussed above, the user and mentor computers do not interact with the device through *each other*. Thus, the Slattery et al. reference does not disclose a second remote computing environment that interacts with the medical diagnostic imaging system via a first computing environment as recited in the present claim. The Ross

et al. reference again fails to obviate the deficiencies of the Slattery et al. reference. Accordingly, Applicants believe independent claim 28, as well as its dependent claims, to be patentable over the cited references.

***Claim Features Omitted from Claim 34***

Likewise, independent claim 34 recites first and second computing systems and a medical diagnostic imaging system in which “the second computing system interacts with the medical diagnostic imaging system *by controlling the first computing system*” (emphasis added). As discussed above with respect to independent claims 16 and 28, the Slattery et al. reference discloses user and mentor computers that control devices 40 independently of one another. Consequently, Slattery et al. fail to teach a second computing system interacting with a medical diagnostic imaging system by controlling the first computing system. The Ross et al. reference also fails to disclose such control. Therefore, for the same reasons provided above with respect to independent claims 16 and 28, the cited references fail to disclose each element of independent claim 34. Accordingly, Applicants also believe independent claim 34, as well as its dependent claims, to be patentable over the Slattery et al. and Ross et al. references.

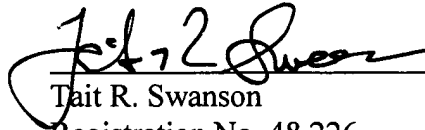
For these reasons, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 103 and allow claims 16-42.

**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: February 28, 2005

A handwritten signature in black ink, appearing to read "Tait R. Swanson", is written over a horizontal line.

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